

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:24-cr-10-RLW-SPM-2
	)	
MOHD AZFAR MAILK,	)	
	)	
Defendants.	)	

**SECOND MOTION TO TRAVEL**

Defendant, Mohd Azfar Malik, M.D., by and through counsel, moves this Court for permission to travel from St. Louis, Missouri to Victoria Falls, South Africa from February 21 to March 7. In support of this motion, Defendant states as follows:

1. Dr. Malik is charged in a twenty-two-count indictment.
2. The government filed the indictment on January 10, 2024.
3. On January 16, Dr. Malik self-surrendered to the United States Marshals Service and appeared for his arraignment.
4. That same day, this Court released Dr. Malik on his own recognizance and a combination of conditions of release designed to reasonably assure his appearance as required and the safety of any other person and the community.
5. Conditions (7)(d) and 7(f) are among the conditions this Court imposed.
6. Condition (7)(d) requires Dr. Malik to surrender his passport to the Office of Pretrial Services. *See id.*
7. Dr. Malik complied with condition (7)(d) on January 16.
8. Condition (7)(f) requires Dr. Malik to remain in the Eastern District of Missouri

unless authorized to travel elsewhere by this Court or the Office of Pretrial Services.

9. Dr. Malik is a licensed psychiatrist of some 37 years.
10. Four-plus months ago, Dr. Malik agreed to participate in a Continuing Medical Education (CME) program at which he will discuss depression.
11. The Association of Pakistani Physicians of North America (APPNA) is the sponsor of the CME,<sup>1</sup> which will take place in Victoria Falls, South Africa.
12. Before his indictment, Dr. Malik arranged to participate in the CME.
13. On October 13 of last year, Dr. Malik and his wife registered for the CME. *See* Attachment 1.
14. On January 1 of this year, Dr. Malik and his wife arranged to fly on February 21 from St. Louis to New York and from New York to Johannesburg with a stop-over in Qatar on February 22. *See* Attachments 2 and 3.
15. Dr. Malik booked return flights along this same international route for March 6 and from New York to St. Louis with a stop-over in North Carolina on March 7. *See* Attachments 2 and 3.
16. All told, the CME registration and flight arrangements cost a non-refundable \$25,360.70, *see* Attachments 1-3, and the APPNA will have difficulty finding a speaker to replace Dr. Malik given the CME's February 24 start date.
17. Dr. Malik is 70 years old and has no prior convictions.
18. Dr. Malik has been aware of the investigation that led to his indictment since he first received a subpoena about four months ago, well before his indictment and

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<sup>1</sup> Defendant is a United States citizen and the holder of a United States passport. His passport is currently in the possession of the Office of Pretrial Service.

self-surrender.

19. Dr. Malik traveled to Pakistan after he received the subpoena and voluntarily returned home to the United States.
20. In addition, earlier this month and with this Court's permission, Dr. Malik traveled without incident to Cozumel, Mexico to participate in a CME and returned home as instructed.<sup>2</sup>
21. Dr. Malik's family resides in the United States; he has no family outside the U.S.
22. Dr. Malik's wife of almost 40 years, Maheen Malik, is a practicing neurologist who lives with Dr. Malik at their home of 20 years in Chesterfield.
23. Dr. Malik's brother and sister-in-law live with them.
24. Dr. Malik's three adult children, each of whom is a United States citizen, live in the United States as well.
25. Dr. Malik's parents are deceased.
26. Dr. Malik's medical practice and financial assets all lie in the St. Louis area; he has no business interests or assets outside the area or abroad.
27. Dr. Malik has no substance abuse history, no history of mental health issues, no history of erratic behavior, and no history of illegal activity.
28. Indeed, Dr. Malik has lived a responsible, law-abiding, pro-social life for 70 years, maintains his innocence, and intends to contest the charges filed against him.
29. Dr. Malik has no plans to participate in any additional international CME programs and he will not participate in any others going forward.

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<sup>2</sup> To participate in the CME, this Court authorized Dr. Malik to take possession of his passport from the Office of Pretrial Services. Dr. Malik promptly returned the passport when he arrived home.

30. If permitted to travel, Dr. Malik will provide his Pretrial Services Officer with all requested information before he departs from St. Louis.
31. Dr. Malik recognizes that this Court has previously issued an order expressing its reluctance to allow further international travel.
32. Dr. Mailk understands this Court's position and does not make this request lightly.
33. But Dr. Malik is a 70-year-old well-respected doctor who is presumed innocent and who presents neither a risk of non-appearance nor a danger to the community.
34. Dr. Malik's counsel are presently preparing a motion to dismiss the indictment, and Dr. Malik will appear to contest the charges filed against him.
35. Dr. Malik, through counsel, has discussed this matter with Assistant United States Attorney Amy Sestric.
36. Ms. Sestric objects to Dr. Malik's request.
37. Dr. Malik, through counsel, has also discussed this matter with Pretrial Services Officer Dan Fahl.
38. Mr. Fahl objects to Dr. Malik's request.

For the foregoing reasons, Mohd Azfar Malik, M.D., respectfully requests this Court permit him to travel from St. Louis, Missouri to Victoria Falls, South Africa from February 21 to March 7.

Respectfully submitted,

*/s/ Adam Fein*

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### **CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2024, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Ms. Amy E. Sestric, Assistant United States Attorney.